UNITED STATES PATENT AND TRADEMARK OFFICE

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10/807,150	03/23/2004	Tetsuya Kato	TAK-0396	3695

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 November 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 and 3-12_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1 and 3-12_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the amendment filed on 11/07/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-5, 7-9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kondo et al (US 5724322) in view of Yamagami et al (US 5949746) and further in view of

Katoh et al (US 7068581).

Regarding claim 1, Kondo discloses an apparatus for playback of a data storage disk of

the type having a series of data streams (M1-M5, fig. 12b) and a TOC prerecorded in

preassigned tracks thereon (UTOC, fig. 12A), the TOC on the disk listing the starting addresses

of the data streams (fig. 13), characterized in that the playback apparatus comprises: a

transducer for reading the prerecorded data streams and TOC on the disk by relatively scanning

the tracks thereon (3, fig. 7); storage means connected to said transducer for rewritably storing

the TOC read on the disk by said transducer (13, fig. 7 and col. 10 lines 66-67 through col. 11

lines 1-5); and data processing means connected to said transducer for creating an expanded

TOC by adding an ending address of each data stream to the original TOC which has been

stored on said storage means and for controlling the scanning motion of the transducer with

respect to the disk according to the expanded TOC (11, fig. 7 and col. 17 lines 23-42), the

expanded TOC being editable for causing said data processing means to play either whole or

some desired part of any desired one of the data streams (figs. 12a-12c and col. 17 lines 42-59).

Kondo further discloses the apparatus characterized in that said data processing means

comprises: input means for inputting instructions for editing the TOC that has been stored on

said storage means (35, fig. 3b); ending address addition means for adding to the original TOC

that has been stored on said storage means, as the ending address of each data stream, the

starting address of the next data stream (A32-33, figs. 12A-12B and fig. 13); editing means for

editing the expanded TOC on said storage means in response to the instructions that have been

input on said input means (fig. 13 and 11, fig. 7); and control means for causing the data

storage disk to be played according to the edited TOC on said storage means (col. 16 lines 30-

34). Kondo fails to disclose each data stream being comprised of a series of frames each having

a data region for storage of data and an address region for storage of the address of the frame in

question in the track in question. In the same field of endeavor, Yamagami discloses providing

each data stream with an address region for storing an address of the frame (Subcode, fig. 5)

and a data region (Data, fig. 5). It would have been obvious to one of ordinary skill in the art at

the time of the applicant's invention to modify the apparatus disclosed by Kondo by using it

with a disk of the type wherein an address region is provided for the frame. The rationale is as

follows: One of ordinary skill in the art would have been motivated to provide an address

region for the frame in order to use the device with a pre-formatted disc that is capable of

recording user data.

Further regarding claim 1, Kondo fails to disclose wherein the ending addresses of the

data streams are not listed. In the same field of endeavor, Katoh discloses an optical recording

medium wherein the ending addresses are not listed (fig. 6 and col. 5 lines 7-20). It would have

been obvious to one of ordinary skill in the art at the time of the applicant's invention to not list

the ending addresses as in Katoh. The rationale is as follows: One of ordinary skill in the art at

the time of the applicant's invention would have been motivated to not list the ending addresses

in order to save the memory that would be used by an ending address information byte for each

data sequence.

Regarding claim 3, Kondo further discloses the apparatus characterized in that said

ending address addition means, said editing means and said control means are comprised of: a

central processor unit connected to said input means (11, fig. 7 and 19, fig. 7); and a memory

connected to said central processor unit and storing a program for creating the expanded TOC

by adding the ending addresses and a program for editing the expanded TOC (13, fig. 7).

Regarding claim 4, Kondo further discloses the apparatus characterized in that said data

processing means comprises: means for specifying any desired address intermediate the starting

address and ending address of any desired one of the prerecorded data streams on the disk in

order to divide the desired data stream into parts upstream and downstream (col. 17 lines 23-

32), respectively, of the desired intermediate address; and means for introducing into the TOC

on said storage means the desired intermediate address both as the ending address of the

upstream division of the desired data stream and as the starting address of the downstream

division of the desired data stream (figs. 12a-12c and 13-14 and col. 17 lines 33-35) , and for

introducing into the TOC on said storage means the ending address of the desired data stream as

the ending address of the downstream division of the desired data stream (A25, fig. 14).

Regarding claim 5, Kondo further discloses the apparatus characterized in that said data

processing means comprises, in order to enable the user to sequentially play back a plurality of

selected ones of the prerecorded data streams on the disk, means for storing on the TOC on said

storage means the starting address of the most upstream one of the selected data streams as the

starting address of the selected series of data streams (P-TNO1, A20, fig. 13), and for storing on

the TOC on said storage means the ending address of the most downstream one of the selected

data streams as the ending stream of the selected series of data streams (A31, P-TNO6, A31).

Regarding claim 7, Kondo discloses the apparatus further characterized in that said data

processing means comprises, in order to inhibit the playback of part of any selected one of the

prerecorded data streams on the disk, means for changing at least either of the starting and

ending addresses of the selected data stream on the TOC on said storage means (col. 18 lines

40-65).

Regarding claim 8, Kondo discloses the apparatus further characterized in that said data

processing means comprises, in order to enable the sequential playback of any selected first one

of the prerecorded data streams on the disk and a second one that is immediately downstream of

the first selected data stream, with a change in the point of transition between the two: means

for specifying a desired address intermediate the starting and ending addresses of the second

data stream; and means for storing the desired intermediate address on the TOC on said storage

means as the ending address of the first selected data stream and as the starting address of the

second data stream (col. 16 lines 64-67 through col. 17 lines 1-22).

Regarding claim 9, Kondo discloses the apparatus further characterized in that said data

processing means comprises, in order to enable the sequential playback of any selected first one

of the prerecorded data streams on the disk and a second one that is immediately downstream of

the first selected data stream, with a change in the point of transition between the two: means

for specifying a desired address intermediate the starting and ending addresses of the first data

stream; and means for storing the desired intermediate address on the TOC on said storage

means as the ending address of the first selected data stream and as the starting address of the

second data stream (A32, A33, fig. 12b).

Regarding claim 11, Kondo further discloses the apparatus characterized in that said data

storage disk is a CD (col. 11 lines 18-26)

Regarding claim 12, Kondo further discloses the apparatus characterized in that said

starting and ending addresses are the absolute addresses on the CD (fig. 10).

Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kondo et al (US 5724322) in view of Yamagami et al (US 5949746) and Katoh et al (US

7068581) and further in view of Yasuda et al (US 6501901).

Regarding claim 6, Kondo fails to disclose the apparatus characterized in that said data

processing means comprises, in order to inhibit the playback of any selected one of the

prerecorded data streams on the disk, means for erasing from the TOC the starting and ending

addresses of the selected data stream. In the same field of endeavor, Yasuda discloses an

apparatus for editing a TOC, wherein in order to inhibit the playback of a data stream, the

starting and ending addresses are erased (fig. 9C). It would have been obvious to one of

ordinary skill in the art to delete the starting and ending addresses from the TOC. The rationale

is as follows: One of ordinary skill in the art would have been motivated to delete starting and

ending addresses of a data stream in order to perform a skip or delete editing function to the

playback.

Regarding claim 10, Kondo fails to disclose the apparatus further characterized in that

said data processing means comprises the steps of switching the order of two data streams as

claimed. In the same field of endeavor Yasuda discloses in order to enable the sequential

playback of any selected two of the prerecorded data streams on the disk, with a change in the

sequence of playback, means for storing, as the starting and ending addresses of a first selected

data stream (F0, F2a, fig. 9d), the starting and ending addresses of a second selected data stream

on the TOC on said storage means, and, as the starting and ending addresses of said second

selected data stream (F3b, F1, fig. 9d), the starting and ending addresses of said first selected

data stream on the TOC on said storage means (fig. 9d). It would have been obvious to one of

ordinary skill in the art to perform the operation of storing the starting and ending addresses as

claim. The rationale is as follows: One of ordinary skill in the art would have been motivated

to store the starting addresses and ending addresses as claimed in order to perform a swapping

operation by swapping the playback position of two of the data streams.

Response to Arguments

Applicant's arguments filed 11/07/2007 have been fully considered but they are not

persuasive. Regarding applicant's arguments that Kondo fails to disclose providing, as the

ending address of each data stream, the starting address of the next data stream, this argument is

not persuasive because Kondo discloses that the starting address of the next data stream (i.e.

A22, fig. 12b) is located at a location which corresponds to an ending address of the previous

data stream (i.e. A21, fig. 12b). Applicant is correct in that Kondo also lists the ending address

of the previous data streams in the TOC, but the ending addresses and the starting address of the

next data stream are at equivalent locations in fig. 12b with no free areas or other segments

existing between the first data stream and the subsequent data stream (col. 15 lines 64-67). The

new limitations to the claim, which requires not listing the ending locations of the data streams

overcomes the previous rejection, but the arguments presented by applicant pertain to this new

limitation and are moot in view of the new ground of rejection (Katoh et al, as applied to claim 1

above).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The

examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tawfik Goma/
1/15/2008

/William Korzuch/
SPE, Art Unit 2627